

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

AERO MARINE ENGINE, INC.

Plaintiff,

Civil No. 05-1469-AS

v.

ORDER

TRANSPORTER, INC., a Nevada
Corporation; CRAIG DELLA PENNA;
and DANIEL H. WERNER,

Defendants.

HAGGERTY, Chief Judge:

Magistrate Judge Ashmanskas has issued a Findings and Recommendation [231] in this action recommending that defendants Della Penna and Werner's Alternative Motions for Summary Judgment – Liability [204] should be denied. Della Penna and Werner (hereinafter defendants) filed objections, and the matter was then referred to this court.

When a party objects to any portion of the Magistrate's Findings and Recommendation, the district court must make a de novo determination of that portion of the Magistrate's report.

28 U.S.C. § 636(b)(1)(B); *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

The objections were filed in a timely manner. The court has given this matter a de novo review, and has also carefully evaluated the Findings and Recommendations, the objections, and the entire record. The Findings and Recommendation provided a thorough analysis of the facts and circumstances regarding this litigation, and the analysis need not be repeated here. For the following reasons, the Findings and Recommendation is adopted.

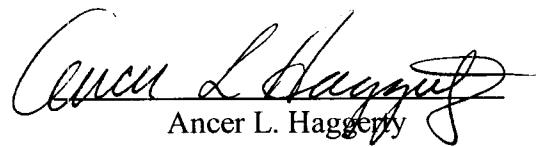
Defendants' objections to the Findings and Recommendation offer little in the way of new argument. Defendants seek to renew and adopt their objections to the court's March 14, 2007 Findings and Recommendation [220], "as those same objections apply here." Objections at 2. These objections were comprehensively addressed and resolved by the Findings and Recommendation and this court's Order [234] adopting the Findings and Recommendation. For the reasons previously given by the court, these objections are overruled.

CONCLUSION

For the reasons provided, the Findings and Recommendation [231] is ADOPTED and defendants Della Penna and Werner's Alternative Motions for Summary Judgment – Liability [204] is DENIED.

IT IS SO ORDERED.

Dated this 23 day of October, 2007.


Ancer L. Haggerty
United States District Judge